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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64241

Takeshi SATO

Appln. No.: 09/840,823

Group Art Unit: 2631

Confirmation No.: 6100

Examiner: Unknown

Filed: April 25, 2001

For: W-CDMA TRANSMISSION RATE ESTIMATION METHOD AND DEVICE

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Technology Center 2000

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. 3rd Generation Partnership Project; Technical Specification Group Radio Access Network; "Multiplexing and Channel Coding (FDD)", 3GPP TS 25.212, V3.5.0 (2000-12), pp. 1-62 was previously filed on July 13, 2001.
2. Y. Okumura et al., "Variable-Rate Data Transmission with Blind Rate Detection for Coherent DS-CDMA Mobile Radio", IEICE Trans. Commun., Vol. E81-B, No. 7, (July 1998), pp. 1365-1373 was previously filed on July 13, 2001.
3. Japanese Unexamined Patent Application Publication No. 10-285653, published October 23, 1998.
4. N. Iwakiri, "Variable Data Rate Transmission using Viterbi Decoder with Rate Decision Technique", YRP Mobile Telecomm. Key Tech. Res. Lab. Co., Ltd., (August 30, 1996), pp. 302, B-301.
5. Japanese Unexamined Patent Application Publication No. 2001-127724, published May 11, 2001.

Takeshi SATO

09/840,823

INFORMATION DISCLOSURE STATEMENT

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action dated February 12, 2003 and an English translation of the pertinent portions thereof, which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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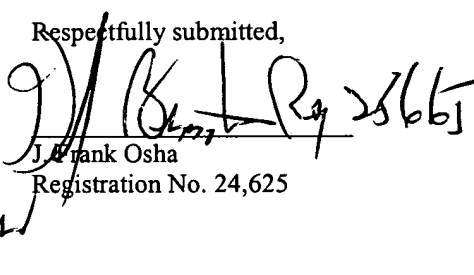


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PATENT TRADEMARK OFFICE

Date: **APR 10 2003**

Respectfully submitted,


J. Frank Osha
Registration No. 24,625

Substitute for Form 1449 A & B/PTO



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	09/840,823
Confirmation Number	6100
Filing Date	April 25, 2001
First Named Inventor	Takeshi SATO
Art Unit	2631
Examiner Name	Unknown
Attorney Docket Number	Q64241

Sheet	1	of	1
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		JP	10-285653	A	10/23/1998		
		JP	2001-127724	A	05/11/2001		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		N. Iwakiri, "Variable Data Rate Transmission using Viterbi Decoder with Rate Decision Technique", YRP Mobile Telecomm. Key Tech. Res. Lab. Co., Ltd., (August 30, 1996), pp. 302-B-301.	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.

Q64241

Note (For a list of the cited literature, see the List of Cited Literature.)

Claims: 1-3, 5, 6

Cited Literature 1-4

Remarks:

Cited Literature 1 describes performing rate determination by evaluating all possible TFCs on the reception side and selecting the most likely TFC without using TFCI in a system employing a flexible position transport format (blind transport format detection with flexible positions).

Comparing the invention as per Claims 1-3, 5 and 6 of the present application with the invention described in Cited Literature 1, they differ in the point that, in the invention as per Claims 1-3, 5 and 6 of the present application, correlation strength, i. e. path metric, is used as the criterion for selecting the most likely TFC, while in Cited Literature 1, the criterion for selecting the most likely TFC is not specifically indicated. However, using a path metric in selecting the most likely transport rate (corresponding to the most likely TFC of the invention of the present application) from among multiple transport rate candidates does not go beyond known art (for example, Cited Literature 2, Claim 1 of Cited Literature 3, Cited Literature 4).

Therefore, adopting the aforementioned known art in selecting the most likely TFC in the invention described in Cited Literature 1 to arrive at a constitution such as that of the invention as per Claims 1-3, 5 and 6 of the present application is something that could be easily accomplished by a person skilled in the art.

No reasons for rejection have been discovered at present for inventions as per claims other than the claims indicated in this notice of reasons for rejection. If any reasons for rejection are newly discovered, a notice of reasons for rejection will be issued.

List of Cited Literature

- P1, L24
P2, L8
1. 3G TS 25.212 V3.1.1, December 1999 (document cited in the specification of the present application)
 2. Okumura, Yukihiro; Ando, Fumiyuki: "Coherent DS-CDMA Blind Variable Rate Determination Using Viterbi Decoding Likelihood", *Shingaku Giho* RCS96-101, 14 November 1996, p. 17.
 3. Japanese Unexamined Patent Application Publication H10-285653
 4. Iwakiri, Naohiko: "Variable Data Rate Transport Scheme Using Rate Determining Viterbi Decoder", 1996 Institute of Electronics, Information and Communication Engineers Communications Society Conference, 30 August 1996, pp. 302, B-301.